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Professional Recovery Services, Inc. (PRS)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

MARLA CASTLEMAN,

Plaintiff,

vs.

PROFESSIONAL RECOVERY
SERVICES, INC.,

Defendant.

Case No. CV-10-280-JLQ

STATEMENT OF MATERIAL
FACTS PURSUANT TO LR 56-1
IN SUPPORT OF DEFENDANT
PROFESSIONAL RECOVERY
SERVICES' MOTION FOR
SUMMARY JUDGMENT

1. PRS is a collection agency. [Declaration of Vincent Kelly
Mulholland (Mulholland) ¶ 3].

2. Resurgent Capital Services LP (Resurgent) is a debt buyer.
[Mulholland ¶ 4].

3. Citicorp Credit Services Inc. (Citicorp) was the debt seller.
[Mulholland ¶ 5].

4. The Palmer Firm, PC (Palmer Firm) is an attorney firm located in
Rancho Cucumunga, California. It does debt management for debtors.
[Mulholland ¶ 6].

5. On or about 5/21/09, PRS was assigned an account against Marla
Castleman (Castleman) by Resurgent based on a purchased credit card debt in the
STATEMENT OF MATERIAL FACTS PURSUANT TO LR 56-1 IN SUPPORT OF
DEFENDANT PROFESSIONAL RECOVERY SERVICES' MOTION FOR SUMMARY
JUDGMENT - 1
Case No. CV-10-280-JLQ

1 sum of \$1,622.90. The last payment date was indicated to be 9/26/08, and the last
2 payment amount was indicated to be \$1,095.63. The debt was incurred on a Sears
3 Mastercard which was managed by Citicorp. [Mulholland ¶ 7].

4 6. On or about 5/21/09, a demand letter was sent to Castleman by PRS
5 with the disclosures required under the Fair Debt Collection Practices Act, 15 USC
6 § 1692g. There was no written response to this demand letter at any time.
7 [Mulholland ¶ 8].

8 7. On or about 6/6/09, Castleman called PRS. Castleman indicated to
9 PRS that her account had been settled by Palmer Firm. She gave a phone number
10 for Palmer Firm of (800) 560-8520. This was the only communication with
11 Castleman. [Mulholland ¶ 9].

12 8. PRS was initially unsuccessful in reaching Palmer Firm on 7/23/09
13 and 7/30/09. [Mulholland ¶ 10].

14 9. On or about 8/24/09, PRS communicated with Palmer Firm. The
15 Palmer Firm said they needed a letter from PRS showing the Palmer Firm that PRS
16 had the account. PRS faxed the letter attached to the complaint as Exhibit C to the
17 Palmer Firm at (909) 581-7317. Exhibit C was never mailed to Castleman, and
18 was not sent to Castleman in any form except through the fax to the Palmer Firm.
19 [Mulholland ¶ 11].

20 10. On or about 8/31/09, PRS contacted the Palmer Firm, and the Palmer
21 Firm acknowledged receipt of the fax, and indicated they would be mailing PRS a
22 letter. [Mulholland ¶ 12].

1 11. On or about 9/11/09, PRS received information from the Palmer Firm
2 that showed that the account was settled on 9/24/08. PRS canceled the account
3 based upon receipt of this information from the Palmer Firm. [Mulholland ¶ 13].

4 12. On 8/23/10, Castleman filed this complaint against PRS. [Doc. 1].

5 13. On 10/26/10, the Court entered an Order requiring Plaintiff to file is
6 final witness list on or before 2/1/11 [Doc. 10]. The Court stated that “Only listed
7 witnesses may testify.” [Doc. 10].

8 14. Plaintiff failed to file and serve a final witness list on or before 2/1/11.

9 DATED: February 3, 2011.

10 DAVENPORT & HASSON, LLP

11 s/ Jeffrey I. Hasson
12 Jeffrey I. Hasson, WSBA#23741
13 Attorney for PRS
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Certificate of Service

I hereby certify that on February 3, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Lisa Johnston-Porter, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: _____.

s/ Jeffrey I. Hasson
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